HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.15402 of 2007

Date: 20.8.2007

Between:

N. Nagaraja Kapoor

….Petitioner

and

The District Registrar, Stamps and Registration,
Medak District, Sangareddy and others

….Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.15402 of 2007

O R D E R:

The petitioner intended to purchase an extent of Ac.3.00 guntas of land in Sy.No.261/27 of Annaram Village, from its owner one K.D. Paul, for a consideration of Rs.2,25,000/-. A sale deed executed on 13.6.1996 was presented before the 2nd respondent for registration. Ever since then, it was kept pending.

The petitioner contends that the land was assigned to his vendor as an ex-serviceman and to this effect a certificate was issued by the MRO, Jinnaram Mandal, on 11.6.1996 and even after the same was produced before the 2nd respondent, he has not taken steps to register the documents.

The 2nd respondent filed a counter affidavit. It is stated that the District Collector, Medak, issued instructions to the office of the 2nd respondent on 1.6.1996 to the effect that the land in entire Sy.No.261 of Annaram Village, belongs to the Government and on that basis, the document was not registered.

The learned counsel of the petitioner submits that even after 10 years from the date of presentation of the document, the 2nd respondent did not choose to communicate the reasons and, there is absolutely no justification for such inaction. He contends that the 2nd

respondent did not take into account the certificate dated 11.6.1996 issued by the MRO.

The learned Government Pleader for Revenue, on the other hand, submits that the registration of the document in question was not effected in view of the instructions received from the District Collector.

More than 11 years have elapsed ever since the petitioner submitted the document for registration. Till today, not a word of reply is forthcoming from the 2nd respondent.

Assuming that the land in Sy.No.261 belongs to Government, the 2nd respondent could have withheld registration if only there existed notification under section 22-A of the Registration Act (for short 'the Act') as it then existed. No such notification is mentioned or cited. It is only in the recent past Section 22-A of the Act was replaced by a new provision extending the prohibition of registration of document concerning Government lands also, without necessity of publishing a notification.

The indifference and inaction on the part of the 2nd respondent could have been rescued by the amendment to the Act, had it been a case where the land was assigned to landless poor. In the instant case, part of Government land in Sy.No.261 was assigned to the vendor of the petitioner in his capacity as an ex-serviceman. The Government issued G.O.Ms.No.1117 dated 11.11.1993 enabling the ex-servicemen and freedom fighters to alienate the lands assigned to them after expiry of 10 years from the date of assignment.

The MRO, Jinnaram Mandal, issued a certificate dated 11.6.1996 to the effect that an extent of Ac.3.00 guntas in Sy.No.261/27 of Annaram Village, was assigned to the vendor of the petitioner as an ex-serviceman and in view of G.O.Ms.No.1117 dated 11.11.1993, the assignee is entitled to alienate the land. Even this did not appeal to the 2nd respondent. If he entertained any doubt as to the genuineness of this letter, he could have verified from the concerned official, which

is a phone call away from his office. The indifference exhibited on the part of the 2nd respondent for the past 11 years cannot be countenanced in any manner.

For the foregoing reasons, the writ petition is allowed with costs of Rs.5,000/-. The 2nd respondent shall process the document for registration without reference to the letter dated 1.6.1996 addressed by the District Collector and finalise the steps, within 2 weeks from the date of receipt of this order. In case of delay in processing the document, the 2nd respondent shall be exposed to monetary damages, in addition to the other steps that are open in law.

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L.NARASIMHA REDDY, J

20.8.2007
Note: CC in four days.
Bo cvm